

OFFICIAL TEXT

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U.S. REPORT ON HUMAN RIGHTS IN AFGHANISTAN

In December 1979, Soviet military forces invaded Afghanistan--called the Democratic Republic of Afghanistan (DRA) until the end of 1987, and installed Babrak Karmal as new state and party leader. The Soviet invasion came in the wake of growing popular opposition to the regime, generated by its brutal policies. In May 1986, the Soviets replaced Karmal with a new leader, former secret police chief Najibullah, in apparent frustration over Karmal's failure to subdue armed opposition to his regime, notwithstanding the support of some 120,000 Soviet troops and large amounts of Soviet aid. Fighting has increased since Najibullah's assumption of power, despite a putative cease-fire declared by the regime. Party factionalism has also increased, and civil administration remains ineffective. In an attempt to convince the world that it was not a Communist regime, the name of the country was changed to the "Republic of Afghanistan" (RA) in December.

The war has generated over 5 million refugees, one-third of the population of Afghanistan before the invasion, who now live in camps in Pakistan and Iran, and the number is increasing. International observers estimate that about 1 million Afghans have died as a direct consequence of the Soviet invasion and occupation.

Moscow has pursued a policy of Sovietization of those areas under Soviet/DRA control. In addition to placing thousands of advisers in the regime structure, the Soviet Union has taken thousands of Afghan children--many of them against their parents' wishes or without their knowledge--to the Soviet Union for political indoctrination in values that are alien to the Afghan people's Islamic heritage.

During 1987 Soviet and DRA forces, under pressure of attacks by an increasingly effective Afghan resistance, abandoned some areas and ceased offensive operations in others. Some Afghan refugees have begun to repopulate a few of these areas, reconstituting farmland under mujahidin protection.

Afghanistan's economic potential, including much of its agricultural infrastructure, has been shattered by the war. During 1987 in particular, Soviet reprisal raids and depopulation campaigns, some of them against the few areas which had previously escaped large-scale devastation, led to damage that will require a long time to repair.

In 1987 there was no independent judiciary or any legal code according rights to the individual. The most feared and consistent violator of human rights within the regime remains

the secret police, formerly known as KHAD but renamed the Ministry of State Security (WAD). More than 25,000 Afghans work for the Ministry, supervised by KGB advisers. The regime's principal tools of control and manipulation are surveillance, imprisonment, interrogation, torture, and execution.

The human rights situation in 1987 deteriorated further under the Najibullah regime, punctuated by intensified Soviet/DRA military pressure on civilians and increased factional fighting. Improvement of the human rights environment in Afghanistan depends fundamentally on a total withdrawal of Soviet forces. Only when the occupying force is removed can Afghanistan's sovereignty be restored and the Afghan people permitted to exercise true self-determination.

On November 30, a Loya Jirgah (or Grand Council), controlled by the ruling People's Democratic Party of Afghanistan (PDPA), adopted and enacted a new Constitution. Articles in it accord Afghan citizens basic rights and freedoms, including the freedoms of worship, assembly, and expression. The Constitution also outlaws torture and "punishment incompatible with human dignity." There is no reason to believe that these rights and freedoms will be implemented in practice.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

Arbitrary killing and other acts of violence against suspected regime opponents continued to be commonplace in 1987. Reports from prison inmates released in 1987 and Afghan staff members at prison facilities tell of executions in DRA prisons, including Pul-i-Charkhi, Shashdarak, and a WAD prison in the Darulaman section of Kabul. A mullah from Kandahar was said to have been executed on June 8 in Kabul's Shashdarak prison. The mullah reportedly had been posing as a friend of the regime but, in fact, was working secretly with the mujahidin in the Kandahar area. According to many reports many prisoners died as a result of inadequate diet, corporal punishment, and torture. Of eight foreign national prisoners released in 1987, four were diagnosed as insane by competent medical authorities, and one died within days of his release. Their condition was attributed to torture and inadequate diet. There have been reports that Soviet and DRA forces as well as mujahidin have occasionally executed prisoners in the field. On February 1, Soviet troops executed eight mujahidin prisoners in the Panjshir Valley. In January DRA troops reportedly executed captured mujahidin in Logar province. The mujahidin generally interrogate and release captured Kabul regime enlisted men and hold some captured Soviet personnel as prisoners; however, some killings of captured Soviets have been reported. Allegations of mujahidin assassinations of Soviet personnel and DRA officials continue. Many of the political killings reported in Kabul in 1987 appeared to result from factional in-fighting within the ruling PDPA.

b. Disappearance

Disappearances continued to be common in areas under regime control throughout 1987. In typical cases, family members learn eventually through informal means of the fate of relatives who disappear. In 1987 the regime released some prisoners and detainees who, in some cases, were able to provide information to families on their missing relatives. In October several hundred supporters of former president Babrak Karmal were arrested in the course of a purge; their fate is not known. In some cases, unexplained disappearance of young males is due to impressment into military service (see Section 1.d.). In other cases, Afghans are arrested and imprisoned or summarily executed for political offenses or because they are relatives of mujahidin. Early in 1987, a group of nonpartisan Afghans, with whom the regime had sought to develop a dialog, called on it to release political prisoners, which the group estimated to number 40,000. Some persons disappear as a result of the action of mujahidin, who frequently abduct or capture regime military and civilian cadre and suspected regime collaborators.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Regime authorities frequently employ torture to punish or to extract information or confessions. The policy is widespread, indicating that it has official sanction. Victims often claim that Soviet officials monitor and indirectly control the torture sessions. Torture techniques include both physical and psychological abuse. Use of electric shock to sensitive parts of the body, immersion in water, and beatings are common forms of physical abuse reported by victims and witnesses. Threats or abuse against family members and prolonged sleep deprivation are typical forms of psychological abuse. Persistent reports describe cases of mental disturbances induced by torture in regime prisons. On July 13 a foreign diplomat witnessed the torture of a man at the Kabul residence of a major regime military commander. The victim was suspended from a tree and beaten for over an hour until he became unconscious.

Political prisoners are usually not segregated from criminal or mentally ill prisoners. Medical care is commonly described as minimal at Pul-i-Charkhi where prisoners are generally required to wait at least a month before being allowed access to the medical staff.

In its 1987 Report, Amnesty International (AI) reported that it had written in September 1986 to the President of the Revolutionary Council to express its concern about persistent allegations of torture in Afghanistan, allegations which were described in detail in an AI special report, "Afghanistan: Torture of Political Prisoners," published on November 19, 1986. The report contained testimony from former political prisoners who stated that they had been tortured by KHAD agents, and quoted some former prisoners who said that Soviet personnel had been present when they were tortured. AI also noted that it had written to DRA regime leaders in 1986, urging the authorities to implement recommendations for the prevention of torture. The DRA did not reply. AI said it had also

written to the President of the Soviet Union in 1986, urging the Soviet Government to investigate the allegations of involvement of Soviet personnel in torture in Afghanistan.

d. Arbitrary Arrest, Detention, Exile, or Forced Labor

There are no legal safeguards to prevent arbitrary arrest or detention. Afghans in areas controlled by the regime face unwarranted seizure by security personnel. Often, detainees are either not told of the charges against them before trial or are simply not brought to trial. Arrest warrants are not issued, nor is the right to judicial determination of the legality of detention respected. Detainees typically are held incommunicado, sometimes for years. Although bail is sometimes granted, it is not a standard feature of the regime's legal procedures. Formal charges may come only after months of interrogation.

Instances of arbitrary detention increased markedly in 1987, principally as a result of the impressment of civilians into military service in Kabul and, to a lesser extent, in other regime-controlled cities, notably Mazar-i-Sharif. Kabul regime military and secret police cadre continue to impress large numbers of underage boys into the military, taking them from the street and sometimes from classrooms and homes. Regime authorities do not inform the parents of the young men of their impressment. In 1987 the regime impressed into military service some of the few refugees who returned to Afghanistan in response to the regime's so-called national reconciliation appeal. Relatives of soldiers who desert are often arrested by the regime to punish the deserters and to deter others from deserting.

Arrests of regime adversaries, especially those who oppose party leader Najibullah, were common in 1987. Approximately 200 Karmal supporters were arrested in Kabul in October, many of them university students. The regime also imprisoned a number of critics of its "national reconciliation" policy, including some PDPA members.

Mujahidin occasionally kidnaped regime civilian and military cadre. There were reliable reports that the mujahidin kidnaped coal miners in one incident, requiring them to help build tunnel complexes in the mountains. Another report claimed that the mujahidin kidnaped a physician in Kunduz and later executed him, apparently as a consequence of his refusal to treat wounded mujahidin.

During October the regime ordered 1,800 youths from various educational institutions in Kabul to go to Kandahar to participate in construction work. The regime media reported that 2,100 Kabul youth were required to spend 45 days working on construction projects in the Kabul area and at the Kokcha irrigation project in the far north. According to parents of the youths, the requirement amounted to virtual forced labor as they were paid one-tenth of what laborers are normally paid.

Afghan children continue to be taken to the Soviet Union for long-term training and indoctrination, sometimes without their parents' consent or even knowledge. Some sources estimate that at least 2,000 children a year since 1984 have been taken to the Soviet Union under this arrangement.

e. Denial of Fair Public Trial

All courts are controlled by the PDPA. Laws governing their organization and jurisdiction cited as a first priority the protection of the "revolution." As a consequence, plaintiffs may be denied their legal rights because of charges regarding their political beliefs. Most persons accused of nonpolitical crimes are tried in the civil court system under the norms of preinvasion judicial codes. Those political detainees who are charged and brought to trial are usually arraigned on allegations of treason, espionage, or terrorism, and are tried and sentenced in secret. As a rule, they must provide their own defense without benefit of counsel. Death sentences generally are carried out quickly after a perfunctory review by the ruling Revolutionary Council, which also is controlled by the PDPA. There was no mechanism to appeal a death sentence endorsed by the Revolutionary Council. According to the Constitution, death sentences are executed after the approval of the President. In areas not controlled by the regime, civil and criminal cases are tried by Islamic judges (qazis) and community elders under Islamic, or "shari'a," law and according to Afghan custom.

No estimate is available on the number of political prisoners held by the Kabul regime; in its 1987 Report, AI referred to the continued imprisonment of "thousands of political prisoners," and said that some of them were imprisoned after political trials that did not conform to international standards. The mujahidin are not known to hold political prisoners, although they do detain Soviet and regime personnel for extended periods. In 1987 the DRA released some political prisoners. Many were Communists jailed in factional disputes; few prominent opponents of the regime were released. Most of those released who were of military age were immediately impressed into Kabul's army and sent into battle.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Kabul regime and the Soviet occupation forces do not recognize the right to privacy. Civilian areas are frequently cordoned off and subject to search, often by Soviet troops. Afghans complain that regime and Soviet forces routinely confiscate property, including homes. House-to-house searches frequently are carried out in predawn hours. Telephones are routinely tapped and correspondence monitored. Citizens are warned not to listen to foreign broadcasts except from states friendly to the regime.

g. Violations of Humanitarian Law in Armed Conflicts

Kabul regime and Soviet actions in Afghanistan have entailed violations of international humanitarian law on a broad scale, including the 1949 Geneva Conventions and customary international law for the protection of civilians which proscribe indiscriminate attacks, murder and execution, mutilation, and attacks on civilians; the 1925 Geneva Protocol and the 1972 Biological and Toxic Weapons Conventions; the 1954 Hague Convention for the Protection of Cultural Property during armed conflict; and prohibitions against torture and other cruel treatment or punishment, including Article 7 of the International Covenant on Civil and Political Rights.

In 1987, as in the past, Soviet and DRA forces launched numerous attacks against civilian targets, resulting in massive destruction of homes, entire villages, croplands, and infrastructure as well as death and injuries to uncounted numbers of civilians. Throughout the year there were reprisal attacks against civilian populations suspected of sympathizing with the mujahidin. Many Afghans were maimed by antipersonnel mines, grenades, and devices specifically designed to injure but not kill, including explosive devices reportedly disguised to look like toys. There were also civilian casualties resulting from the deployment of a napalm-like substance against the resistance. Care for the injured in understaffed, ill-supplied, and unhygienic facilities was inadequate, and many of the injured sought medical assistance in Pakistan. The number of refugees from the countryside fleeing to Kabul appeared to increase in 1987 in apparent response to greater Soviet aerial and artillery bombardment.

A number of Afghan sources reported that Soviet and, occasionally, DRA forces employed chemical and other prohibited weapons in 1987. It was reported that Soviet forces used lethal chemical weapons against resistance forces lodged in caves in Paktia province in June, and a chemical or toxic weapon against mujahidin in the Randza Valley in August. Mujahidin casualties during the Paktia fighting in June reportedly exhibited severe burns from a napalm-like substance.

Mujahidin actions in 1987 also resulted in loss of life and injuries among civilians. The mujahidin were believed responsible for bomb attacks in Jalalabad and Kabul which resulted in significant civilian casualties. Mujahidin rocket attacks against Kabul and other regime-controlled cities inevitably took a toll among civilians.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The regime tolerates no criticism of the Soviet Union in the public media, and private criticism can result in detention and arrest. There is no academic freedom. All media are owned and controlled by the regime and tightly supervised by Soviet officials. The press, radio, and television are used exclusively to convey regime policy and the Soviet interpretation of world events. Soviet publications, films and television are widely available in local languages to reinforce those views. In the latter half of 1987, in an unusual departure, the regime media published divergent views and proposals by various Afghans with regard to the draft constitution in an attempt to suggest a consensual drafting process. Unlicensed import and sale of non-Soviet video and audio tapes, magazines, books, and posters are forbidden though this ban is generally ineffective. Western radio broadcasts in local languages are frequently jammed, although some programs do get through to Afghan listeners.

Afghans are guarded in their conversations lest antiregime or anti-Soviet comments be reported to the secret police. In early September, citizens in Herat city demonstrated at the PDPA committee headquarters, shouting antiregime and anti-Soviet slogans in protest over the regime killing of the son of a prominent Herat resident. Many of the group were

arrested and taken to Kabul where, according to a relative, they underwent WAD interrogation.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly or association in areas controlled by the regime. A party decree passed by the Revolutionary Council in 1987 supposedly provided a framework for expression of political views at variance with the views of the ruling PDPA, but the party continues to set the bounds for acceptable dissent. The regime regularly stages so-called "spontaneous" gatherings to convey the impression of popular support, including mass demonstrations at diplomatic missions. Unauthorized peaceful assemblies are dealt with forcefully. Parents demonstrating for the release of their sons impressed into the DRA military were dispersed with gunfire in an incident in the Wazir Akbar Khan district of Kabul in the summer of 1987.

Workers have been threatened with loss of jobs or imprisonment for refusal to join party organizations. In Sheberghan in Balkh province, factory workers were arrested after they selected ousted state and party leader Babrak Karmal as their delegate to a national PDPA conference. Parents have been warned that their children would be forced out of school if they refused to join official youth organizations. Large numbers of people from the upper and middle classes fled the country because of severe restrictions on political and social activity.

Labor has no right to organize in any meaningful fashion. State-sponsored trade associations and unions of workers and peasants are closely modeled after those in the Soviet Union. The few remaining prerevolutionary labor and trade organizations are under strong pressure to merge with the ruling PDPA. The Central Committee of Afghan Trade Unions, with a claimed membership of 150,000 workers, is an affiliate of the Communist-dominated World Federation of Trade Unions.

c. Freedom of Religion

Afghanistan is an Islamic nation. Sunnis predominate, though there is an important Shi'a minority primarily concentrated in the Hazarajat region in central Afghanistan. Small enclaves of Hindus, Sikhs, and Jews traditionally have lived peacefully alongside their Muslim neighbors.

Since the 1978 coup, the regime has sought, with marginal success, to supervise strictly all religious organizations. Regime policy pronouncements are routinely given the sanction of the Ministry of Religious Affairs. The regime has taken a series of steps to try to win support from Muslims. In 1987, for example, the DRA announced that the State would provide assistance to mosque construction, establish an Islamic research center, provide monthly stipends to selected mullahs, and sponsor an "international Koranic reading competition." Afghans distinguish sharply between traditional mullahs and "regime mullahs." Kandahar residents report that most of the city's remaining residents send their children to local mosques where they receive education not directed by the regime. Costs are met by the parents and the community, with no assistance

from the regime. Kabul regime and Soviet forces, particularly in the course of reprisal raids against towns and villages, have caused extensive damage to mosques.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely restricted by the war. Soviet and DRA forces attempted to block the movement of refugees out of areas of combat during Soviet military operations in March in Kunduz and Takhar provinces, and in August in northern Kabul province. Travelers are at risk of being caught in Soviet-mujahidin clashes. Buses and other vehicles are sometimes attacked by Soviet and DRA helicopter gunships. Traffic on the Bamiyan road reportedly moves only at night due to the Soviet practice of regarding any daytime traffic on the road as mujahidin and attacking it. At Khovoshi in Logar province, a Soviet helicopter attacked a civilian bus on September 22, killing 16 and wounding 17. Civilian travelers also encounter frequent checkpoints or roadblocks manned by Soviet troops, regime forces, mujahidin or, occasionally, by bandits. Travelers regularly recount having to bribe Soviet checkpoint personnel with cash or drugs. Mujahidin often exact "taxes" from travelers.

The regime severely curtails foreign travel by Afghans under its control. A passport typically must be purchased with bribes sometimes ranging as high as \$1,000. The regime seizes the property of anyone who fails to return after 1 year. Pilgrims to Mecca and holy places in Iraq are carefully screened and issued travel documents valid only for those destinations.

Overland emigration is extremely dangerous because of indiscriminate Soviet and regime attacks. In October a column of nomads making a traditional seasonal migration from western Kabul province to Nangarhar came under fire from Soviet positions near Paghman. Extensive Soviet and regime mining of principal overland routes and passes imposes even greater risks to refugees. Despite these hazards, Afghans continue to flee to Pakistan and Iran, swelling the refugee populations in those two countries to over 5 million. These outflows continued throughout 1987 as a result of scorched earth tactics and deliberate attacks on populated areas by Soviet and DRA forces. The regime estimates that over 100,000 Afghans have returned to Afghanistan in response to its appeal to repatriate. No international organization regards this figure as credible.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the current regime, citizens have no right to change their government. Afghanistan is a totalitarian state under the control of the PDPA, which is kept in power by the Soviet Union. The ruling PDPA is modeled closely on the Soviet Communist Party. Soviet military and civilian advisors sit in virtually all regime offices and make or approve all significant decisions.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The regime has continued to resist efforts by international humanitarian organizations to investigate human rights practices in Afghanistan. In apparent reaction to the international outcry regarding human rights abuses, the regime has sought to manipulate respected institutions and foreign journalists. In January the DRA Prime Minister granted the International Committee of the Red Cross (ICRC) permission to visit all persons detained in Afghanistan. At the same time, the ICRC also launched a major program of medical assistance in Kabul. Negotiations on the terms for ICRC registration of, and visits to, prisoners at Pul-i-Charkhi prison, however, broke down in May, when the ICRC was unable to continue the visits according to its traditional criteria. As of late 1987, the authorities continued to block ICRC access to prisoners, while claiming in international forums that they were cooperating with international organizations.

The regime invited the U.N. Special Rapporteur on Afghanistan to visit in August. Although the Special Rapporteur portrayed regime authorities as cooperative, critics point out that during a 10-day visit he was able to interview only four prisoners, leading to charges of manipulation by authorities. In addition, he was denied permission to go to Kandahar, an area where Soviet reprisal strikes against civilian settlements have been particularly numerous. Beginning in late 1986 and continuing through 1987, the regime was host to over 100 foreign journalists. For the most part, the journalists were confined to tightly planned itineraries; few, if any, were permitted to interview prisoners or view detainees, though many pressed for permission.

Regime and Soviet actions in regard to journalists who sought to report independently on developments in Afghanistan continued to be severe. In April a West German team narrowly escaped injury or death when Soviet forces ambushed them and their mujahidin escorts in Logar. Two American journalists were killed in an ambush by Soviet/regime forces in early October, according to an eyewitness report. At the end of 1987, at least two West European journalists were being held by the regime.

Mujahidin periodically have permitted the ICRC and journalists to visit prisoners under their control, particularly Soviet prisoners. Recently, some mujahidin commanders have offered to allow the ICRC access to prisoners in their custody in return for ICRC access to prisoners held by the regime.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

The participation of Afghan women in activities beyond the home and field is limited by traditional beliefs, customs, and religious practices. In areas under resistance control, the role of women follows traditional lines. The social position of some women, generally those associated with the PDPA, has improved somewhat in Kabul and other regime-controlled cities. Access of young women to higher education has increased in Kabul in the wake of the loss of large numbers of young men to

conscription into the DRA military, joining up with the mujahidin, or refugee flight. For similar reasons, the role of women in some nontraditional occupations such as banking, television, and radio, and the civil service has increased. Few women, however, hold responsible, decision-making positions. The only woman in the ruling PDPA politburo and Revolutionary Council was removed in 1987.

The regime in some cases mirrored and in other instances sought to exploit traditional ethnic rivalries for its purposes. Several thousand Uzbek troops from northern Afghanistan were sent to Kandahar in late summer to garrison the largely Pushtun and proresistance city. The troops, according to Kandahar residents, have behaved aggressively against their traditional ethnic rivals. Ethnic Turkmen and Hazaras in Kabul complain that they are not trusted by the regime and are subjected to strict surveillance in their business dealings, particularly with foreign firms.

CONDITIONS OF LABOR

Due to the current situation in Afghanistan, information on the conditions of labor is not available.

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